



Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476

Agenda
&
Meeting Notice

The Arlington Redevelopment Board will meet Monday, March 20, 2017 at 7:30 PM in the **Town Hall, 730 Massachusetts Avenue, 2nd Floor Conference Room, Arlington, Massachusetts.**

| Time | Agenda Item | How |
|------------------|--|---|
| 7:30 – 7:50 p.m. | <p>1. Public Hearing ARTICLE 1 ZONING BYLAW AMENDMENT/DEFINITIONS</p> <p>To see if the Town will vote to amend the Zoning Bylaws to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.</p> <p>(Inserted at the request of the Town Manager on behalf of the Residential Study Group)</p> | <ul style="list-style-type: none">• <i>ARB Chairman, Andrew Bunnell and Steve McKenna, representing the Residential Study Group, will provide an introductory presentation.</i>• <i>Board members may ask questions of proponent.</i>• <i>Members of the public will be provided time to comment.</i>• <i>Board members may ask additional questions and/ or vote.</i> |
| 7:50 – 8:20 p.m. | <p>2. Public Hearing ARTICLE 2 ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA MORATORIUM</p> <p>To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."... or take any action related thereto.</p> <p>(Inserted at the request of the Town Manager)</p> | <ul style="list-style-type: none">• <i>An introductory presentation will be provided.</i>• <i>Board members and members of the public will be provided time to ask questions and comment.</i>• <i>Board members may ask additional questions and/ or vote.</i> |

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| <p>8:20 – 8:30 p.m.</p> | <p>3. Continued Public Hearing ARTICLE 6 ZONING BYLAW AMENDMENT/ MIXED USE IN BUSINESS AND INDUSTRIAL ZONES</p> <p>To see if the Town will vote to amend the Zoning Bylaw ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed-Use development by reducing or removing the Minimum Lot area per Dwelling Unit Sq. Ft. requirement, or take any action related thereto.</p> <p>(Inserted at the request of the Redevelopment Board)</p> | <ul style="list-style-type: none"> • <i>Board members will deliberate and vote.</i> |
| <p>8:30-8:40 p.m.</p> | <p>4. Continued Public Hearing ARTICLE 7 ZONING BYLAW AMENDMENT/ DEFINITIONS ARTISANAL FABRICATION</p> <p>To see if the Town will vote to amend the Zoning Bylaw ARTICLE 2 DEFINITIONS for Artisanal Fabrication by increasing or removing the maximum square foot area requirement, or take any action related thereto.</p> <p>(Inserted at the request of the Redevelopment Board)</p> | <ul style="list-style-type: none"> • <i>Board members will deliberate and vote.</i> |

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| <p>8:40-8:55 p.m.</p> | <p>5. Continued Public Hearing ARTICLE 8 ZONING BYLAW AMENDMENT/ RESIDENTIAL DRIVEWAY AND PARKING ACCOMODATION ZONING CHANGES</p> <p>To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.</p> <p>(Inserted at the request of the Redevelopment Board)</p> | <ul style="list-style-type: none"> • <i>Board members will deliberate and vote.</i> |
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| <p>8:55-9:10 p.m.</p> | <p>6. Continued Public Hearing ARTICLE 9 ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER BUFFER ZONE</p> <p>To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (“MMTC”, also known as Registered Marijuana Dispensaries “RMD”); prohibiting siting of such facilities within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate; the 500 foot distance under this section to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC; and further defining for the purposes of this section a “facility in which children commonly congregate” to include: dance schools, gymnastic schools, technical schools, vocational schools, public and private K-12 schools, public libraries, facilities that offer tutoring or after school instruction, licensed daycare facilities (including private home daycare), pediatrics offices, parks that have play structures and athletic fields intended for use by children, accredited Headstart facilities, and commercial establishments that host children’s parties; or take any action related thereto.</p> <p>(Inserted at the request of Karen E. Thomas-Alyea and ten registered voters)</p> | <ul style="list-style-type: none"> • <i>Board members will deliberate and vote.</i> |
| <p>9:10-9:20 p.m.</p> | <p>7. Continued Public Hearing ARTICLE 10 ZONING BYLAW AMENDMENT/R2 to R1 DESIGNATION</p> <p>To change the Zoning District in the Mount Gilboa Historic District from the current Zoning District of R2 to its former District of R1. The proposed area shall encompass the following streets: 2-133 Crescent Hill Avenue, 2-16 Park Place, 3-115 Westmoreland Avenue and 11-197 Westminster Avenue; or take any action related thereto.</p> <p>(Inserted at the request of Janice A. Weber and ten registered voters)</p> | <ul style="list-style-type: none"> • <i>Board members will deliberate and vote.</i> |

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| 9:20 – 9:30 p.m. | 8. Approval of Meeting Minutes from February 6, 2017 and March 6, 2017 | |
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**Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476**

**Public Hearing
Zoning Bylaw Amendments**

In accordance with the provisions of the Zoning Bylaw of the Town of Arlington, Massachusetts, and Chapter 40A of the Massachusetts General Laws, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Monday March 20, 2017, at 7:30 P.M.** in the **second floor conference room of the Town Hall Annex**, 730 Massachusetts Avenue, Arlington, Massachusetts. The ARB will hear public comments on proposed amendments to the Arlington Zoning Bylaw.

After hearing public comments, the ARB will make a recommendation to Town Meeting on the proposed amendments. The Zoning Bylaw amendment will be considered by the Special Town Meeting, which will begin April 26, 2017. The following warrant articles propose changes to the Zoning Bylaw and are the subject of the public hearing:

ARTICLE 1

ZONING BYLAW AMENDMENT/DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaws to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

(Inserted at the request of the Town Manager on behalf of the Residential Study Group)

ARTICLE 2

**ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA
MORATORIUM**

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments." ...
Or take any action related thereto.

(Inserted at the request of the Town Manager)

The draft language of the proposed amendments to the Zoning Bylaw may be seen starting Friday March 3, 2017 in the Department of Planning and Community Development on the first floor of the Town Hall Annex Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to noon, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov.

**Andrew Bunnell, Chair
Arlington Redevelopment Board**

AA 3/2/17, 3/9/17

2017 Special Town Meeting Warrant, April 26, 2017

ARTICLE 1

ZONING BYLAW AMENDMENT/DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaw to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

(Inserted at the request of the Town Manager on behalf of the Residential Study Group)

ARTICLE 2

**ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA
MORATORIUM**

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."

Section 11.10.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations to be promulgated by the Cannabis Control Commission may provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict commercial sales of recreational marijuana by local ballot questions. Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

11.10.2 Definitions

"Recreational Marijuana Establishment" shall mean a non-medical "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

11.10.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.

11.10.4 Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw."

Or take any action related thereto.

(Inserted at the request of the Town Manager)

STM ARTICLE 1

ZONING BYLAW AMENDMENT/DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaw to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings.

(Inserted at the request of the Town Manager and Residential Study Group)

VOTED: *That Article 2, Section 2.01 of the Zoning Bylaw, be and is hereby amended so that the last line of the definition of "Open Space, Usable," reads as follows:*

Open Space, Usable:

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than eight (8) percent and (2) no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet.

From: "Douglas Heim" <dheim@town.arlington.ma.us>
To: "Dan Dunn" <dunster@dandunn.org>, "Diane Mahon" <dianemahon@verizon.net>, "Joseph Curro" <jcurro@alumni.tufts.edu>, "Kevin Greeley" <Greeleycom@AOL.com>, "Marie Krepelka" <MKrepelka@town.arlington.ma.us>, "Steven Byrne" <smbyrne1987@gmail.com>
Cc: "Jenny Raitt" <JRaitt@town.arlington.ma.us>, "Adam Chapdelaine" <AChapdelaine@town.arlington.ma.us>, "Christine Bongiorno" <CBongiorno@town.arlington.ma.us>
Date: 02/15/2017 05:22 PM
Subject: Recreational Marijuana Developments: West Bridgewater Moratorium

Good evening Members of the Board,

I write to provide you *confidential attorney-client correspondence* in the interests of updating you on an important development in siting recreational marijuana sales in municipalities.

In short, the Attorney General's office has approved a *temporary* zoning moratorium on all recreational sale of marijuana in the Town of West Bridgewater until June 30, 2018 (note that the present dates the Cannabis Control Commission must promulgate regulations and then begin accepting license applications are March 18, 2018, and April 1, 2018 respectively).

Please permit me to highlight what the moratorium does and does not accomplish:

The West Bridgewater Temporary Moratorium does not resolve the major ambiguities I highlighted in my previous memo to you dated January 20, 2017, including whether or not any proposed ban on marijuana sales requires a Town Meeting vote, a Town ballot question, or both, or how a ballot question must read to satisfy the statute. It does not make clear whether certain recreational marijuana restrictions (including moratoriums) are better placed in zoning or town bylaws. Moreover, it does not resolve some tensions regarding whether or not a licensed medical marijuana facility within a given Town impacts the operation of recreational sales.

Indeed, the Attorney General's opinion (attached) highlights the same ambiguities and conflicting interpretations previously raised by this Office and many others and employs them to help justify the moratorium so long as West Bridgewater engages in "comprehensive planning studies" on recreational marijuana sales.

That said, the Temporary Moratorium does provide West Bridgewater more time to develop a local plan, hopefully with the benefit of more time to process clearer regulations from the Cannabis Control Commission, which could in theory be expanded beyond the June 30, 2018 chosen by West Bridgewater (though the opinion of the AG's Office clearly contemplates some limit to the length of the moratorium relative to the deadline to issue regulations). Further the measure does allow additional time to examine the strategies and experiences of other municipalities.

Accordingly, the Manager, members of the Board, and other pertinent Town officials should at least consider whether or a moratorium of any length would be useful to pursue on the Special Town Meeting Warrant for our Spring Town Meeting, or at some later point in time. As stated previously, this is a rapidly changing and evolving landscape with a number of important issues that will require clear and straightforward regulations by the State to resolve with confidence. But please contact me should you have questions or issues you'd like to discuss individually.

Please also note a gentle caution that serial email communication among a quorum of Members of the Board is prohibited by the Open Meeting Law.

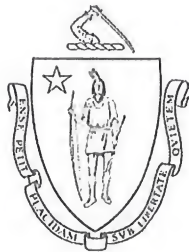
Sincerely yours,

Douglas W. Heim
Arlington Town Counsel

50 Pleasant St
Arlington, MA 02476

Tel: (781) 316-3150

Confidentiality Notice: This communication and any attachments are intended solely for the intended recipient(s) and may contain information that is confidential and/or privileged attorney work product, exempt or prohibited from disclosure under applicable law. If you have received this e-mail in error, please notify this office by replying to the sender informing him that you are not the intended recipient and then deleting this e-mail and any attachment(s). Please be advised that if you are not the intended recipient(s) you are prohibited from any use, dissemination, copying or storage of this communication.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

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(508) 795-1991 fax
www.mass.gov/ago

January 18, 2017

Anne G. Iannitelli, Town Clerk
Town of West Bridgewater
65 North Main Street
West Bridgewater, MA 02379

**Re: West Bridgewater Special Town Meeting of December 14, 2016 - Case # 8242
Warrant Article # 2 (Zoning)**

Dear Ms. Iannitelli:

Article 2 – We approve the amendments adopted under Article 2 at the West Bridgewater Special Town Meeting of December 14, 2016 because, as explained below, the temporary moratorium on recreational marijuana establishments is consistent with the Town’s authority to impose reasonable time limitations on development so that the Town can engage in a legitimate planning study.

The amendments adopted under Article 2 amend the Town’s zoning by-laws to add a new Section 10.1, “Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.” The new Section 10.1 institutes a temporary moratorium, through June 30, 2018, on the use of land or structures for a Recreational Marijuana Establishment and Marijuana Retailer (as defined in Section 10.1.2). The stated purpose of the temporary moratorium is:

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Advisory Board is required to issue regulations regarding implementation by September 15, 2017.^[1]

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers.

¹ We note that it is the Cannabis Control Commission, not the Cannabis Advisory Board, that is charged with issuing regulations. See Section 4(a) of Chapter 94G (as amended by Chapter 351 of the Acts of 2016).

Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will issue licenses for Recreational Marijuana Establishments and Marijuana Retailers and second, by ballot that cannot occur before November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.^[2]

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

We approve this temporary moratorium because it consistent with the Town's authority to "impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies." Sturges v. Chilmark, 380 Mass. 246, 252-253 (1980). Such a temporary moratorium is clearly within the Town's zoning power when the stated intent is to manage a new use, such as recreational marijuana establishments, and there is a stated need for "study, reflection and decision on a subject matter of [some] complexity." W.R. Grace v. Cambridge City Council, 56 Mass. App. Ct. 559, 569 (2002) (City's temporary moratorium on building permits in two districts was within city's authority to zone for public purposes.) The time limit West Bridgewater has selected for its temporary moratorium (through June 30, 2018) appears to be reasonable in these circumstances, where the Cannabis Control Commission regulations have not yet been issued and those regulations "are expected to provide guidance" to the Town.³ Section 10.1.1. The moratorium is limited in time period and scope (to the use of land

² Although not determinative of our decision on Article 2, we note that this text in Article 2 does not clearly reflect the language of the state ballot question passed on November 8, 2016 (Chapter 334 of the Acts of 2016). First, it is not clear from the state ballot question that a town has the power to issue a "license" for marijuana establishments or marijuana retailers. The state ballot question appears to establish the Cannabis Control Commission as the sole licensing authority. *See* G.L. c. 94G, § 5. The state ballot question does indicate that a town may prohibit the operation of one or more types of marijuana establishments in the town, but whether a complete prohibition on such establishments must be made by by-law vote or town ballot vote (or both) is not clear from the text of the state ballot question. *See* G.L. c. 94G, § 3(a) (2).

³ We note that Chapter 351 of the Acts of 2016, approved by the Governor on December 30, 2016 and effective immediately as an emergency law, extends the time period for the issuance of the regulations by six months to

and structures for recreational marijuana establishments and marijuana retailers), and thus does not present the problem of a rate-of-development bylaw of unlimited duration which the Zuckerman court determined was unconstitutional. Zuckerman v. Hadley, 442 Mass. 511, 512 (2004) (“[A]bsent exceptional circumstances not present here, restrictions of unlimited duration on a municipality’s rate of development are in derogation of the general welfare and thus are unconstitutional.”)

Because we find the amendments adopted under Article 2 are clearly within the Town’s zoning power, and otherwise do not conflict with the laws or Constitution of the Commonwealth, (see Bloom v. Worcester, 363 Mass. 136, 154 (1973)), we approve them.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

By: Margaret J. Hurley
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4402

cc: Town Counsel David Gay

March 15, 2018. (See Section 11 of Chapter 351 of the Acts of 2016). This amendment supports the conclusion that a moratorium through June 30, 2018 is reasonable in order to provide the Town time to study and consider the regulations and engage in a planning process within the context of the regulations.

PLANNING & COMMUNITY
DEVELOPMENT

17 MAR 15 AM 9:19

Andrew,

Thanks for your invitation to send some comments about the Zoning articles. I hope these will prove useful.

1. Consider the following:

On the illustrations provided at your hearing, $\text{Rise/Run} = 4.5'/30' = .15$ clearly this is a ratio.

In math, $\text{slope} = \text{rise/run}$, NO %

According to Wikipedia, for roads, $\text{slope} = 100\% \times \text{tangent}(\text{angle})$ thus if $\text{slope} = 15\%$, then the corresponding angle $= \arctan(.15) = 8.53 \text{ deg}$, NOT 15 deg

Since people other than road engineers probably use the zoning bylaw, I suggest you add slope to definitions.

2. It is not obvious to me why the reduction of the number of parking spaces from 2 to 1 per dwelling unit provides an incentive to build more attractive new houses. The illustrations provided require explanation.

3. I don't see any limitation in the revised wording of Section 8.07 that the slope limit applies to new construction only.

4. How does the reduced parking requirement apply to existing buildings? Can owners convert their garages to living space or to other uses?

5. The B1 & B5 zoning map is hard to accept since the center of the 600' buffers are not all identifiable. A listing of the many buffer zone centers keyed to a note on the map would solve this problem.

6. Why are members of the ARB conflicted on the buffer zone matter? A major Master Plan goal is to protect residential neighborhoods. It appears, from the map, that most of the area outside buffer zones is residential. Are the B3 & B5 districts really that tiny? Do the buffer zone advocates want to allow dispensaries in residential districts?

7. Again I urge you to explain ALL your recommended votes clearly in your report.

I admire the way you ran the meeting on Monday. Congratulations on recruiting Gene Benson. He is a fine public servant.

Respectfully,
Pete Howard

CC Jenny Raitt

ARTICLE 8

ZONING BYLAW AMENDMENT/RESIDENTIAL DRIVEWAY AND PARKING ACCOMODATION ZONING CHANGES

To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit;

amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers

Section 8.07 - Parking in Residential Districts

ART. 70, ATM 3/77

- a. For newly-constructed single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front yard setback except on a driveway not exceeding twenty (20) feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than six thousand (6,000) square feet in the longer of the two front yards up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings;

ARTICLE 8 OFF STREET PARKING AND LOADING REGULATIONS

Section 8.01 - Off-Street parking Requirements

TABLE OF OFF-STREET PARKING REGULATIONS

| Use | Number of off-street parking spaces per unit |
|---|--|
| Dwelling, one-, two-, and three-family units. | Two (2) <u>One (1)</u> per dwelling unit. |